

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-31 are currently pending. Claims 26-31 have been added by the present amendment. No new matter has been added.¹

In the outstanding Office Action, Claims 1, 10, and 15-19 are rejected under obviousness-type double patenting as being unpatentable over the claims of patented application, U.S. Patent No. 7,603,335; Claims 1, 10, 15-18, and 20-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,117,253 to Nakayama et al. (hereinafter, “Nakayama”), U.S. Application Publication No. 2004/0163033 to Wolfe et al. (hereinafter, “Wolfe”) and U.S. Patent Application Publication No. 2003/0093790 to Logan et al. (hereinafter, “Logan”); Claims 2-5 and 11-13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama, Wolfe, Logan and U.S. Patent Application Publication No. 2002/0077984 to Ireton (hereinafter, “Ireton”); Claims 6-9 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama, Wolfe, Logan and U.S. Patent Application Publication No. 2004/0054650 to Chun (hereinafter, “Chun”); and Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakayama, Wolfe, and U.S. Application Publication No. 2002/0069218 to Sull et al. (hereinafter, “Sull”).

Regarding the obviousness-type double patenting rejections of Claims 1, 10, and 15-19, the current claims are rejected on non-statutory obviousness-type double patenting grounds with respect to U.S. Patent No. 7,603,335. Because the subject application is still rejected on other art grounds, Applicants defer the filing of a terminal disclaimer in accordance with MPEP § 804 until such time that these double patenting rejections become the only outstanding rejection.

¹ See, e.g., page 23, lines 16-27, of Applicants' specification.

Applicants' Claim 1 is directed to a contents acquisition method, and recites in part:

transmitting file request information that requests an acquisition/use file including a contents providing address corresponding to a request for acquiring contents data stored in an external apparatus and an attributes information providing address, separate from the contents providing address;

transmitting attributes request information for requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information ***to the attributes information providing address in the acquisition/use file*** when the temporary storage of the in-storage contents identification information is completed. [Emphasis Added].

Claim 1 recites that file request information is transmitted to request an acquisition/use file which includes a contents providing address and an attributes information providing address. Further, Claim 1 recites that ***attributes request information is transmitted to the attributes information providing address in the acquisition/use file*** to request contents attributes information for altering the attributes of the contents data.

Thus, in an exemplary embodiment of the claimed invention, the acquisition/use file includes an attributes information providing address, to which the attributes request information is transmitted to in order to request contributes attributes information used for altering the attributes of the contents data.

The Advisory Action asserts that Logan teaches that “attributes request information is transmitted to the attributes information providing address in the acquisition/use file” by associating the above claimed feature with Logan's viewer transmitting a request to a remote facility for additional information about a particular program.² Thus, the Advisory Action associates the claimed information providing address in the acquisition/use file with Logan's ***remote facility***. Applicants note that the Advisory Action changes the Office's position from

² See, Advisory Action dated January 1, 2010, continuation sheet.

associating the claimed attributes information providing address with Logan's ***addressable resources*** (See Final Office Action) to Logan's ***remote facility***.

Applicants respectfully traverse the above assertion of the Advisory Action.

Logan describes that the creators of the addressable resources share the URL of the addressable resources with interested viewers by registering the created addressable resources in a remote facility, which relays the URL of the addressable resources to the interested viewers.³ Further, Logan describes that a viewer may transmit a request to the remote facility for additional information about a particular program (which may include multiple segments).⁴

Therefore, in Logan, creators register the created addressable resources in a remote facility, and the remote facility relays the URL of the addressable resources to the interested viewers when the viewers transmit a request to the remote facility.

However, there is ***no*** disclosure in Logan that the address of the remote facility is included as attributes information providing address in an acquisition/use file, which acquisition/use file is provided to the users in response to file request information transmitted by Logan's viewers that requests an acquisition/use file. Therefore, Applicants submit that there is ***no*** disclosure in Logan or Nakayama to support that the address of Logan's remote facility is included in Nakayama's server-side control file (2ba), which the Office associates with the claimed acquisition/use file, as would be required to meet the claimed elements.

Thus, with the Office's association of the claimed attributes information providing address with Logan's ***remote facility***, Logan does not disclose or suggest transmitting attributes request information for requesting contents attributes information to the attributes information providing address in the acquisition/use file, as recited in Claim 1.

³ See Logan, paragraph [0092].

⁴ Id. at paragraph [0096].

Further, as previously presented, even if the Office associates the claimed attributes information providing address with Logan's **addressable resources**, Logan does not disclose or suggest the transmitting attributes request information for requesting contents attributes information for altering the attributes of the contents data corresponding to the in-storage contents identification information to the attributes information providing address in the acquisition/use file.

Thus, no matter how the teachings of Nakayama, Wolfe, and Logan are combined, the combination does not disclose or suggest the **transmitting attributes request information for requesting contents attributes information** for altering the attributes of the contents data corresponding to the in-storage contents identification information **to the attributes information providing address in the acquisition/use file**, as recited in Claim 1.

Please note that the discussion regarding Claim 1 also applies to independent Claims 10 and 15-19 because these claims recite features that are analogous to features recited in Claim 1.

Accordingly, it is respectfully requested that the 35 U.S.C. § 103(a) rejections of independent Claims 1, 10, and 15-19 be withdrawn.

Regarding the rejections of dependent Claims 2-9, 11-14, and 20-25, it is respectfully submitted that the additionally cited references do not remedy the deficiencies of Nakayama, Logan, and Wolfe discussed above. Accordingly, it is respectfully requested that the 35 U.S.C. § 103(a) rejections of dependent Claims 2-9, 11-14, and 20-25 be withdrawn.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

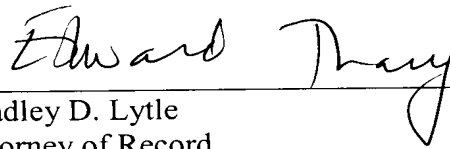
Respectfully submitted,

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.

A handwritten signature in cursive script, appearing to read "Edward Tracy", is written over a horizontal line.

Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edward W. Tracy
Registration No. 47,998